

Planning Justification Report

Proposed Apartment Building Development 6179 Lundy's Lane, Niagara Falls

October 2024

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A. Introduction

I am a Registered Professional Planner (RPP) and full member of the Ontario Professional Planners Institute (OPPI). I am the President and Founder of MB1 Development Consulting Inc. (“MB1”) and a highly qualified land use planning and real estate development professional with extensive and diverse experience in all aspects of commercial and residential real estate development. I have practiced land use planning for over 20 years in communities across Ontario and Canada. I have been qualified as an expert in land use planning by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal (LPAT) and Ontario Municipal Board (OMB)), as well as the Toronto Local Appeal Body (TLAB).

I have been retained to prepare this Planning Justification Report with respect to the proposed redevelopment of 6179 Lundy’s Lane in the City of Niagara Falls (the “Subject Property”). The proposal for the Subject Property includes redevelopment of the existing two-storey motel and surface parking area for a 10-storey mixed use building with at-grade commercial uses. Applications for amendments to the City of Niagara Official Plan and Zoning By-Law 79-200 will be required to facilitate the development approval and establish the site-specific regulatory framework.

B. Site Context

B.1 Site Location and Existing Context

The Subject Property is located at 6179 Lundy’s Lane in the City of Niagara Falls as illustrated in **Figure 1**. This location is immediately adjacent to the northeast corner of the intersection of Lundy’s Lane and Drummond Road. An aerial map of the Subject Property is included in **Figure 2**. The property is approximately 0.315 hectares (0.78 acres) in area with frontage of 38.3 metres (125.62 feet) on Lundy’s Lane. The Subject Property is currently occupied by a 2-storey motel and surface parking lot with one driveway access to Lundy’s Lane. **Figure 3** and **Figure 4** include street views of the property from Lundy’s Lane.

The Subject Property is located immediately adjacent to existing transit service, including Niagara Region Transit route 116/216 along Lundy’s Lane and route 110/210 along Drummond Road. There are existing transit stops on both Lundy’s Lane and Drummond Road within convenient walking distance of the Subject Property. There are also sidewalks on both sides of Lundy’s Lane and Drummond Road to allow for convenient and safe access to these transit stops and the surrounding neighbourhood.

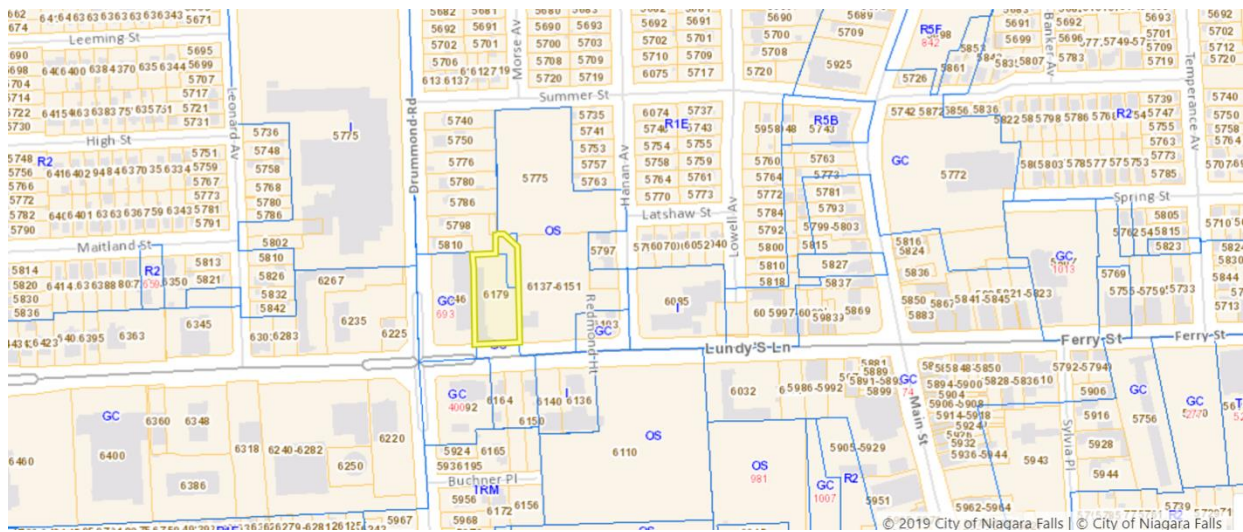


Figure 1 – Site Location



Figure 2 – Aerial Map of Subject Property and Surrounding Properties



Figure 3 – Street View of Subject Property from Lundy's Lane (east of motel)



Figure 4 – Street View of Subject Property from Lundy's Lane (west of motel)

B.1.1 Region of Niagara Official Plan Designation

The Subject Property is designated “Built-Up Area” on Schedule A (Regional Structure) of the Region of Niagara Official Plan and is not located within any of the following areas: Agricultural Land Base (Schedule B); Core Natural Heritage (Schedule C); Potential Resource Areas (Schedules D1 – D3); and Mineral Resources (Schedule D4).

B.1.2 City of Niagara Falls Official Plan Designation

The majority of the Subject Property is designated “Tourist Commercial” on Schedule A of the City of Niagara Falls Official Plan with a portion towards the rear designated “Residential”. The Subject Property is located in the Drummondville Node as illustrated on Schedule A2, with no height strategy identified on Schedule A.2 (b) for the Subject Property and surrounding areas within the boundary of the Drummondville node. The Subject Property is also located within the Lundy’s Lane Tourism District and the Historic Drummondville Community Improvement Area.

B.1.3 Zoning By-Law 79-200

The majority of the Subject Property is currently zoned “General Commercial (GC) Zone” under Zoning By-Law No. 79-200, with a portion towards the rear designated “Residential (R1E)”. The surrounding properties to the west and south are also zoned GC while the lands to the north and east are zoned “OS (Open Space)”. The single detached dwellings to the northwest of the Subject Property are zoned “Residential 1E (R1E) Density Zone”.

Table 1 in Section 4.19.1 identify the parking requirements for different classes of uses, buildings and structures, including the following:

- 1.4 spaces per unit for a dwelling containing 3 or more dwelling units save and except an on street townhouse dwelling; and
- 1 parking space for each 25 square metres of gross leasable floor area for a variety of retail uses.

Section 7.5.1 establishes the following permitted uses for the R1E Zone:

- (a) A detached dwelling
- (b) A home occupation in a detached dwelling, subject to the provisions of section 5.5
- (c) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14
- (d) A group home type 1
- (e) A bed and breakfast in a detached dwelling.

The following regulations are set out in section 7.5.2 for the R1E zone:

(a)	Minimum lot area	
	(i) for an interior lot	370 square metres (3,982 sq. ft.)
	(ii) for a corner lot	450 square metres (4,843.8 sq. ft.)
(b)	Minimum lot frontage	
	(i) for an interior lot	12 metres (39.4 ft.)
	(ii) for a corner lot	15 metres (49.2 ft.)
(c)	Minimum front yard depth (93-284)	6 metres (19.7 ft.) plus any applicable distance specified in section 4.27.1
(d)	Minimum rear yard depth	7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1
(e)	Minimum interior side yard width (2011-136)	1.2 metres (3.9 ft.) subject to the provisions of clause a of section 5.1,
(f)	Minimum exterior side yard width	4.5 metres (14.8 ft.) plus any applicable distance specified in section 4.27.1
(g)	Maximum lot coverage	45%
(h)	Maximum height of building or structure	10 metres (32.81 ft.) subject to section 4.7
(i)	Deleted by By-law No. 2011-136	
(j)	Maximum number of detached dwellings on one lot	1 only
(k)	Parking and access requirements	in accordance with section 4.19.1
(l)	Accessory buildings and accessory structures	in accordance with sections 4.13 and 4.14
(m)	Minimum landscaped open space (2008-148)	30% of the lot area

The majority of the Subject Property is zoned “General Commercial (GC)”, which permits a wide range of commercial uses as well as dwelling units in a building in combination with one or more of the permitted commercial uses, provided not more than 66% of the total floor area of such building is used for dwelling units and that such dwelling units are located entirely above the ground floor (section 8.2.1 (nn)). Section 8.2.2 establishes the following regulations for this zone:

(a)	Minimum lot frontage	6 metres (19.7 ft.)
(b)	Minimum front yard depth	in accordance with section 4.27.1, where applicable
(c)	Minimum rear yard depth	
	(i) where any part of the building is used for residential purposes	10 metres (32.8 ft.) whichever is greater plus any applicable distance specified in section 4.27.1
	(ii) where no part of the building is used for residential purposes	3 metres (9.8 ft.) plus any applicable distance specified in section 4.27.1, provided that no rear yard is required where the rear lot line abuts a public land or a public parking lot
(d)	Minimum interior side yard width	
	(i) where the side lot line abuts a residential, institutional or open space zone	3 metres (9.8 ft.)
	(ii) where the side lot line does not abut a residential, institutional or open space zone	None required
(e)	Minimum exterior side yard width	in accordance with section 4.27.1 where

	applicable
(f) Maximum lot coverage	70%
(g) Maximum height of building or structure	12 metres (39.37 ft.) subject to section 4.7
(h) Maximum floor area	not specified
(i) Parking and access requirements	in accordance with section 4.19.1
(j) Loading area requirements	in accordance with sections 4.20

B.2 Adjacent Properties

The Subject Property is surrounded by the following uses:

- To the north: Open Space (Coronation Park) and rear yards of single detached dwellings fronting onto Drummond Road (**Figure 5**);
- To the south: Service Station, single detached dwellings and church (**Figure 6**);
- To the east: Battle Ground Hotel Museum (**Figure 7**); and
- To the west: 1-storey retail plaza (**Figure 8**).

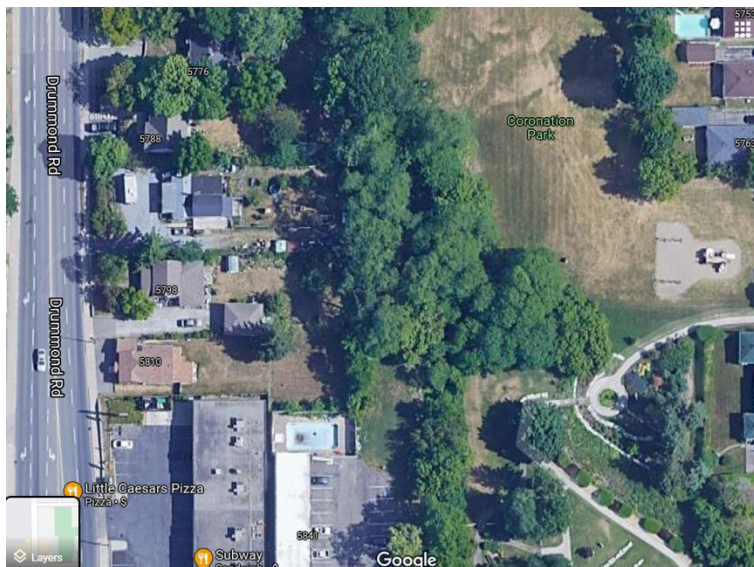


Figure 5 – Open Space and Single Detached Dwellings to North of Subject Property



Figure 6 – Service Station and Single Detached Dwellings to South of Subject Property



Figure 7 – Battleground Hotel Museum to East of Subject Property



Figure 8 – Retail Plaza to West of Subject Property

B.3 Surrounding Neighbourhood

The Subject Property is generally located in the “Built-Up Area” under the Region of Niagara Official Plan and is located in the “Tourist Commercial” designation along Lundy’s Lane under the City of Niagara Falls Official Plan. As illustrated in the excerpt from City of Niagara Falls Official Plan Schedule A.2 (b) in **Figure 9**, the Subject Property is located in the Drummondville Node, which includes properties designated for heights of up to 30 storeys.

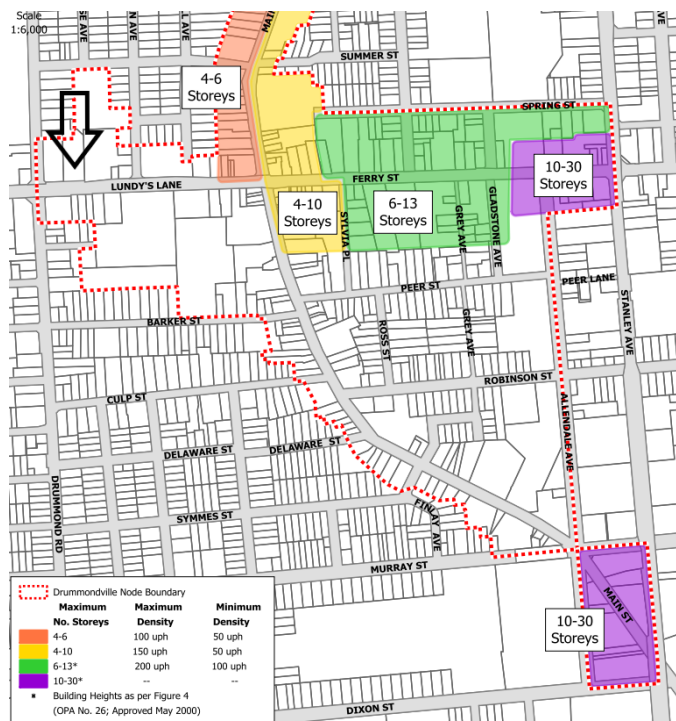


Figure 9 - Excerpt from City of Niagara Falls Official Plan Schedule A.2 (b)

C. Development Proposal

C.1 Proposal Details

The development proposal includes redevelopment of the existing motel for a 10-storey mixed use building with at-grade commercial uses and 144 residential dwelling units above. Parking for the residential units will be provided below grade (147 spaces or 1.02 spaces per unit) with an additional 12 spaces at grade (1 space per 25 m²) to accommodate the at-grade commercial uses. A conceptual building rendering is included in **Figure 10**. The proposed site plan is included in **Figure 11**. The proposed building elevations are provided in **Figures 12 through 14**. The complete preliminary design package is included in **Appendix A**, including architectural floor plans and elevations.

Two below-grade parking levels are proposed in order to achieve a parking ratio of greater than 1 space per unit. However, given the location of the Subject Property in the Drummondville Node served by existing transit and pedestrian infrastructure, it is appropriate to consider a further reduction to the proposed parking supply by removing one of the below-grade parking levels. Constructing one versus two parking levels will reduce the cost of construction and allow for more cost-effective development of the proposed units and more directly support transit-oriented development of the site and surrounding neighbourhood.



Figure 10 – Conceptual Building Drawing (looking west on Lundy’s Lane)

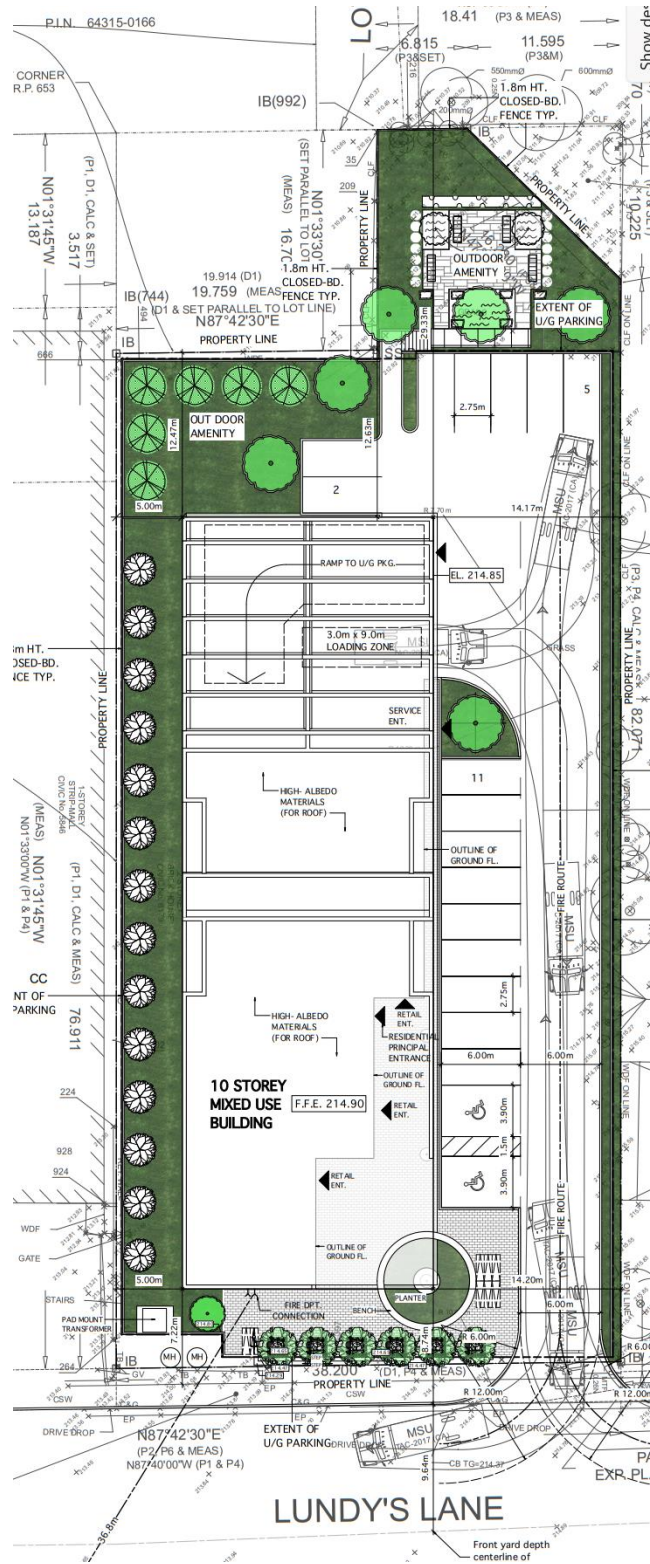


Figure 11 – Proposed Site Plan



Figure 12 – East Elevation



Figure 13 – West Elevation

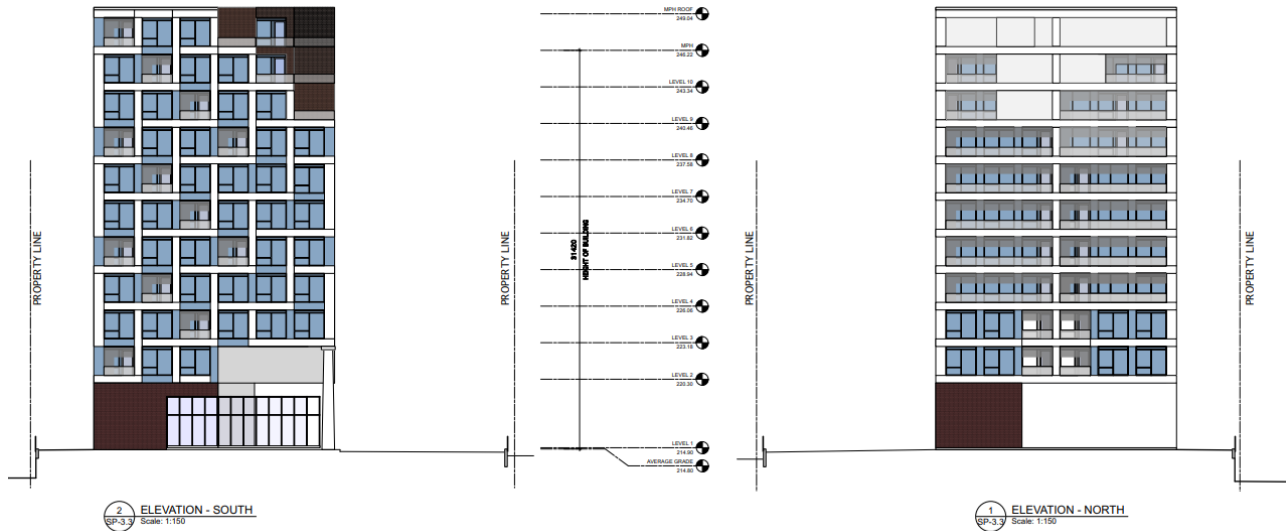


Figure 14 – North and South Elevation

C.2 Land Use Planning Intent

The intent of this development proposal is to more efficiently utilize the Subject Property through transit-oriented development that increases population and employment density along the Lundy’s Lane corridor and in the Drummondville node while ensuring compatibility with the adjacent land uses to the north and east. The following design elements of the proposal are relevant to this report:

- The proposed building has been situated towards the west side of the Subject Property with the drive aisle, surface parking and below grade parking access along the easterly property line to provide spatial separation and buffering from the heritage property to the east;
- The majority of the parking is proposed below grade and completely screened from view with only a small supply of surface parking located along the east side of the Subject Property;
- The proposed building steps down in height from the maximum of 10 storeys at the front property line to provide a 45-degree angular plane at the rear property line adjacent to the existing low density residential uses;
- The shadow studies prepared as part of the architectural illustrate that the proposed building will have limited shadow impact on the low-density residential uses to the north and the heritage property to the east;
- The ground floor incorporates commercial uses with windows and entrances oriented towards the public realm; and
- The proposed building will provide a strong and animated street edge to enhance the quality of built form along this corridor.

C.3 Land Use Planning Applications

The development proposal requires an amendment to the City of Niagara Falls Official Plan to modify the Tourist Commercial designation on the following basis:

- To permit the proposed height of 10 storeys whereas a maximum of 4 storeys is permitted in the Drummondville node; and
- To permit maximum density of 453 units per hectare where a maximum of 100 units per hectare is permitted.

The development proposal also requires a site-specific amendment to City of Niagara Falls Zoning By-Law 79-200 to modify the “General Commercial (GC)” zoning on the Subject Property as follows:

- To permit a minimum residential parking ratio of 1.02 spaces per unit while 1.4 spaces per unit is required;
- To permit the floor area of the dwelling units above grade to exceed 66% of the total floor area of the building; and
- To permit a maximum building height of greater than 12 metres.

In general, the Official Plan and Zoning By-Law Amendment applications support a mixed use development proposal that seeks to exceed the maximum permitted height (storeys and linear height), reduce the minimum parking requirement and permit a greater ratio of residential floor area relative to the total floor area. Draft Official Plan and Zoning By-Law Amendments have been prepared as part of the complete application package.

C.4 Supporting Studies

C.4.1 Sun/Shadow Study

C.Y. Lee Architect Inc. completed sun/shadow analysis for the development proposal during different times of the year in order to evaluate the potential for shadow impact on the neighbouring properties. The anticipated shadows on the low density residential uses to the north will occur only certain times throughout the year and for limited windows of time. The anticipated shadows on the heritage property to the east will generally be limited to later in the afternoon and for limited periods of time. The following sections provide the shadow analysis for each of the study periods.

- C.4.1.1 March and September

As illustrated in **Figure 15**, the shadows in March and September will be cast primarily within the Subject Property and on the commercial property to the west, with shadows being cast on the structure on the heritage property to the east for only approximately 1 hour during the late afternoon after 4 pm. There are no shadow impacts on the low density residential properties to the north and the commercial properties to the south.



Figure 15 – Sun/Shadow Analysis – March and September

- C.4.1.2 June

As illustrated in **Figure 16**, the shadows in June will be cast primarily within the Subject Property except for limited times throughout the day. The commercial property to the west will experience some shadows for 1 hour after 9 am. The heritage property to the east will experience shadows later in the afternoon after 3 pm. There are no shadow impacts on the low density residential properties to the north and the commercial properties to the south.

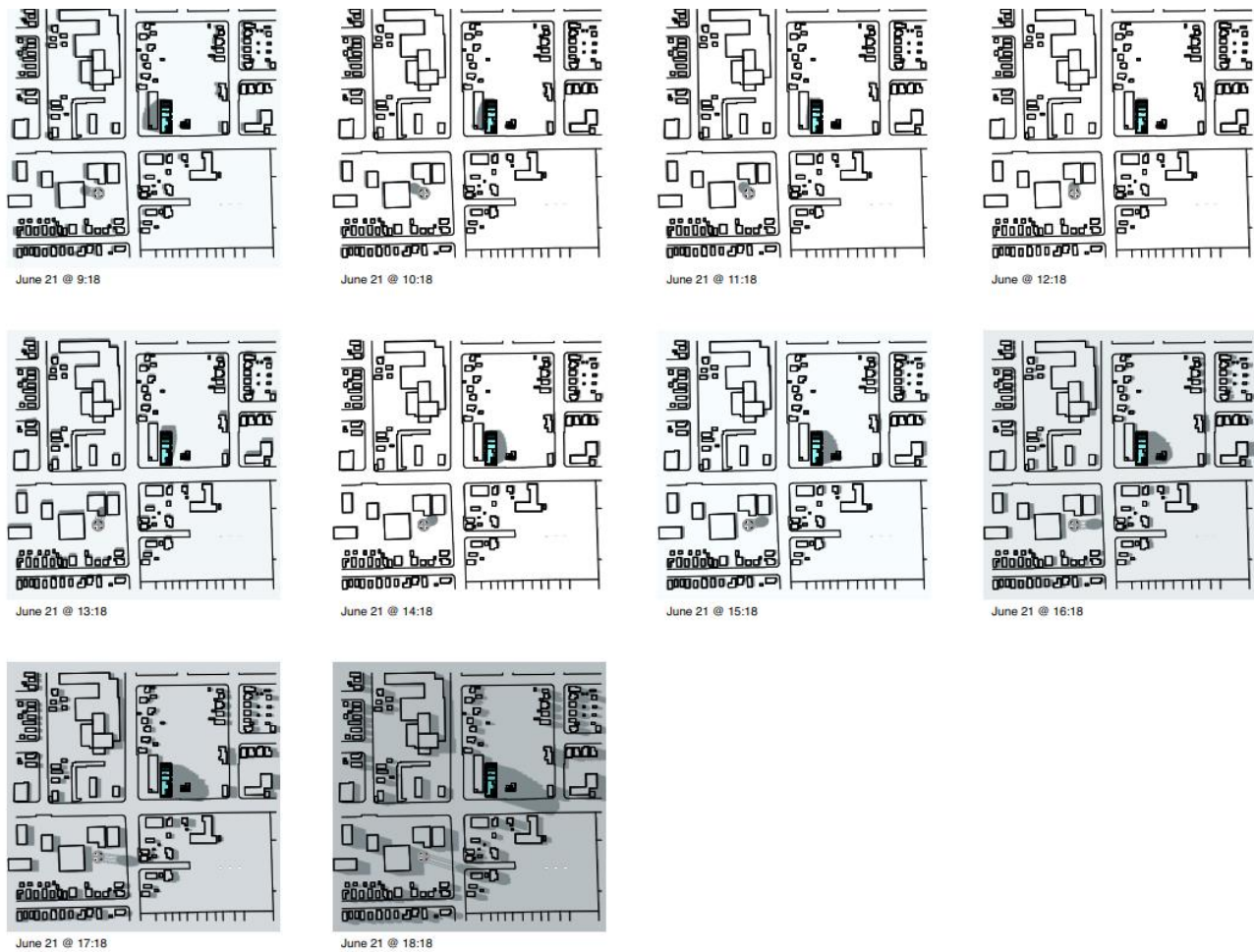


Figure 16 – Sun/Shadow Analysis – June

- C.4.1.3 December

As illustrated in **Figure 17**, the shadows in December will be cast primarily within the Subject Property except for limited times throughout the day. The commercial property to the west and the low density residential properties to the north will experience some shadows for 2 hours between 9 am and 11 am. The heritage property to the east will only experience shadows later in the afternoon after 4 pm. There are no shadow impacts on the commercial properties to the south.

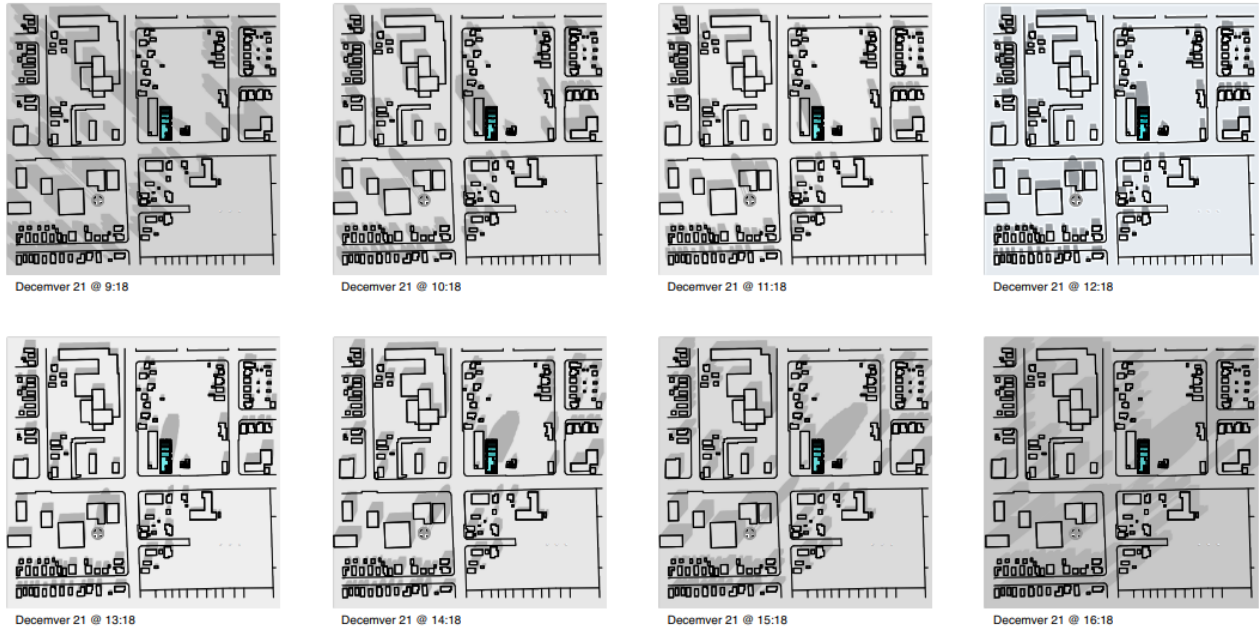


Figure 17 – Sun/Shadow Analysis – December

C.4.2 Heritage Impact Assessment

Archaeological Research Associates Ltd. (ARA) completed a Heritage Impact Assessment for the development proposal. This study confirms that the Subject Property is not listed on the City of Niagara Falls’ Heritage Properties Register but that the adjacent property to the east at 6137 Lundy’s Lane is designated under Part IV of the Ontario Heritage Act (OHA) under By-law No. 2014-97. This property is also subject to a heritage easement held by the Ontario Heritage Trust and is federally listed as the Battle of Lundy’s Lane National Historic Site and is on the Canadian Register of Historic Places.

This report recommends the following measures to allow the development proposal to proceed while mitigating potential impacts on the adjacent heritage property:

- Retain a structural engineer prior to starting construction to assess potential structural impact to Fralick’s Tavern as a result of any grade changes along the shared property boundary. This mitigation measure should be implemented during the construction process.
- To protect the adjacent property at 6137 Lundy’s Lane during the construction period of the proposed new building, a Temporary Protection Plan should be developed and distributed to demolition and construction personnel. This mitigation measure should be implemented during the construction process.
- Protect the adjacent building 6137 Lundy’s Lane by completing a Vibration Study to determine the Zone of Influence and if there will be any impacts on Fralick’s Tavern at construction phase. A Zone of Influence study identifies buildings which may require vibration monitoring during the construction

phase to which monitoring strategies can be determined and integrated into the Temporary Protection Plan. This mitigation measure should be implemented during the construction process.

- Move forward with planned landscape screening/buffer and maintain existing tall trees on property line with 6137 Lundy's Lane as a method of minimizing negative visual impacts and incorporate the installation of concrete planters, fencing, wall and/or bollards into the landscape plan to mitigate the risk of accidental physical vehicular impacts during and after demolition and construction phase.

D. Analysis

The land use planning analysis component of this report evaluates the proposed Official Plan and Zoning By-Law Amendments for the following:

- Appropriate regard to the matters of Provincial Interest set out in Section 2 of the Planning Act;
- Consistency with the PPS 2024;
- Conformity to Region of Niagara Official Plan; and
- Consistency with the objectives and policy intent of the City of Niagara Falls Official Plan.

D.1 Land Use Planning Policy Overview

D.1.1 Matters of Provincial Interest

Section 2 of the Planning Act requires that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities to have regard to a number of matters of provincial interest, including the following:

- the protection of ecological systems, including natural areas, features and functions;
- the protection of the agricultural resources of the Province;
- the conservation and management of natural resources and the mineral resource base;
- the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- the supply, efficient use and conservation of energy and water;
- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the minimization of waste;
- the orderly development of safe and healthy communities;
- the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- the adequate provision of a full range of housing, including affordable housing;
- the adequate provision of employment opportunities;
- the protection of the financial and economic well-being of the Province and its municipalities;

- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

D.1.2 Provincial Policy Statement, 2024

The Provincial Planning Statement is a policy statement issued under the authority of section 3 of the Planning Act and came into effect on October 20, 2024. The Provincial Planning Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024. Section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act.

Chapter 2 contains the policies for “Building Homes, Sustaining Strong and Competitive Communities”.

Section 2.1.6 directs that planning authorities should support the achievement of complete communities by:

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

Section 2.2. specifically relates to Housing and includes the following policies:

1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;
- b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;
- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
 - d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

Section 2.4 contains the policies for Strategic Growth Areas. The General Policies for Strategic Growth Areas in Section 2.4.1 include the following:

1. Planning authorities are encouraged to identify and focus growth and development in strategic growth areas.
2. To support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development, strategic growth areas should be planned:
 - a) to accommodate significant population and employment growth;
 - b) as focal areas for education, commercial, recreational, and cultural uses;
 - c) to accommodate and support the transit network and provide connection points for inter- and intra-regional transit; and
 - d) to support affordable, accessible, and equitable housing.
3. Planning authorities should:
 - a) prioritize planning and investment for infrastructure and public service facilities in strategic growth areas;
 - b) identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas;
 - c) permit development and intensification in strategic growth areas to support the achievement of complete communities and a compact built form;
 - d) consider a student housing strategy when planning for strategic growth areas; and
 - e) support redevelopment of commercially-designated retail lands (e.g., underutilized shopping malls and plazas), to support mixed-use residential.

Section 2.4.3.1 further directs that “Planning authorities shall plan for intensification on lands that are adjacent to existing and planned frequent transit corridors, where appropriate”.

Chapter 4 includes the policies for “Wise Use and Management of Resources”, including the following policies for “Cultural Heritage and Archaeology” in Section 4.6:

1. Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.
2. Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.
3. Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.
4. Planning authorities are encouraged to develop and implement: a) archaeological management plans for conserving archaeological resources; and b) proactive strategies for conserving significant built heritage resources and cultural heritage landscapes.
5. Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes.

D.1.3 Region of Niagara Official Plan

Chapter 4 of the Regional OP includes policies for “Managing Growth”, including the following Growth Management objectives in Section 4.A.1:

- Objective 4.A.1.1 Direct the majority of growth and development to Niagara’s existing Urban Areas.
- Objective 4.A.1.2 Direct a significant portion of Niagara’s future growth to the Built-up Area through intensification.
- Objective 4.A.1.3 Direct intensification to Local Municipally Designated Intensification Areas.
- Objective 4.A.1.4 Prevent urban development in inappropriate areas, thus contributing to the conservation of resources such as the Niagara Escarpment, the Greenbelt, aggregate areas, Core Natural Areas, and prime agricultural land.
- Objective 4.A.1.5 Establish the Regional Market Area as the basis for planning for growth.
- Objective 4.A.1.6 Build compact, mixed use, transit supportive, active transportation friendly communities in the Built-up Area and in Designated Greenfield Areas.
- Objective 4.A.1.7 Reduce dependence on the automobile through the development of compact, mixed use, transit supportive, active transportation friendly urban environments.
- Objective 4.A.1.8 Provide a foundation for developing access to intra and inter-city transit.
- Objective 4.A.1.9 Ensure the availability of sufficient employment and residential land to accommodate long term growth in Niagara to the year 2031.

- Objective 4.A.1.10 Provide a framework for developing complete communities all across Niagara, including a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile, transit and active transportation.
- Objective 4.A.1.11 Prohibit the establishment of new Settlement Areas.
- Objective 4.A.1.12 Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services.

Section 4.B includes the Population, Household and Employment Projections, with the following Housing Growth Policy in section 4.B.3: “The Region will maintain the ability to accommodate residential growth within the Regional Market Area:

- a) For a minimum of ten years through residential intensification and redevelopment and, if necessary, through lands which are designated and available for residential development; and,
- b) For a minimum of three years through lands with servicing capacity that are suitably zoned to facilitate residential intensification and redevelopment or are in draft approved and registered plans.”

Section 4.G provides policies for “Urban Growth” and generally seeks to building sustainable, complete communities through the following principles:

- Encouraging mixed and integrated land uses;
- Making efficient use of land, resources and infrastructure;
- Promoting compact, transit supportive development friendly to active transportation;
- Supporting intensification;
- Building better greenfield neighbourhoods;
- Fostering development that conserves natural resources and maintains or enhances natural systems;
- Integrating cultural programs and facilities in our Urban Areas;
- Making prudent fiscal decisions.

The objectives of the Urban Community policies are outlined in Section 4.G.1 and include the following:

- Objective 4.G.1.1 Provide a framework for developing sustainable, complete communities.
- Objective 4.G.1.2 Plan for all of Niagara’s residents, both current and future, by promoting social inclusion, improved access to housing, commercial goods and services, job opportunities and social services.
- Objective 4.G.1.3 Provide a policy direction for creating healthy, safe, vibrant, transit supportive, active transportation friendly, diverse, mixed use residential areas.
- Objective 4.G.1.4 Develop a policy framework to ensure that, as urban development occurs, natural resources and ecosystem health and sustainability are maintained, enhanced or restored.

- Objective 4.G.1.5 Ensure that the Region has an adequate supply of accessible, attractive commercial areas.
- Objective 4.G.1.6 Promote and facilitate the revitalization and redevelopment of downtowns.
- Objective 4.G.1.7 Promote the preservation and enhancement of cultural heritage resources.
- Objective 4.G.1.8 Recognize the importance of a diversified economic base by establishing flexible policies to support the wide variety of employment types in Niagara.
- Objective 4.G.1.9 Provide a Regional policy framework for guiding the long term development of Niagara’s employment areas.
- Objective 4.G.1.9 Recognize the unique role of tourism and recreation-based employment in Niagara’s economy.

Chapter 11 relates to “Housing and Community Services” and includes the following policies in Section 11.A (Residential Areas and Housing):

- Policy 11.A.1 The Region encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle.
- Policy 11.A.2 The Region encourages the development of attractive, well designed residential development that:
 - a) Provides for active transportation within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools.
 - g) Provides an attractive, interconnected and active transportation friendly streetscape.
 - h) Contributes to a sense of safety within the public realm.
 - i) Balances the need for private and public space.
 - j) Creates or enhances an aesthetically pleasing and functional neighbourhood.
 - k) Encourages a variety of connections based on transportation mode between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.
- Policy 11.A.3 The Region encourages housing which allows people to work at home or in relatively close proximity to work.
- Policy 11.A.4 The Region will adopt and monitor annual affordable housing supply target for each local municipality arising from analysis of the regional housing market. Local official plans are to include these targets and policies to achieve the target.

D.1.4 City of Niagara Falls Official Plan

Section 3 of Part 1 of the City’s Official Plan includes the Intensification policies. Within the introduction to this section, it is stated that: “the opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit within the Residential land use

designation. However, opportunities for residential intensification on lands not currently designated Residential may also be considered. The City has identified specific intensification areas which have the potential to accommodate higher density development over the long term as nodes and corridors on Schedule A-2.”

The general intensification policies include the following:

- 3.1 Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site specific zoning by-law amendment whereby individual proposals can be publicly assessed. Proposals of sufficient land area shall be developed through plans of subdivision.
- 3.2 The development or redevelopment of lands currently designated Tourist Commercial in accordance with Part 2, Section 4.2.9 shall conform with the height and design policies of Part 2, Section 4 and meet the minimum density requirements for a high density development as permitted in Part 2, Section 1.15.5(iii).
- 3.3 The extent of the Intensification Nodes and Corridors as shown on Schedule A-2 and the limits of the height strategies of Schedules A-2(a), A-2(b), A-2(c) and A-2(d) are not intended to be scaled but a guide whereby building heights shall be considered on each individual basis with regards to the character of surrounding development.

Section 3.13 specifically addresses the Drummondville Node and direct that:

- residential uses may develop as part of a multiple use building or as stand-alone buildings;
- new development and/or redevelopment shall respect the existing built form of 4 storeys while allowing for intensification.
- additional building height may be allocated in accordance with Schedule A-2 (b);
- increases in building height may be considered for lands outside those designated for additional height through an amendment to the Zoning By-law, subject to the following criteria:
 - the subject lands, whether a single lot or a consolidation of lots, having sufficient lot area and frontage to provide for the building, parking and landscaped open space;
 - setbacks and separation distances are provided that are in character with adjacent properties so as to avoid or reduce impacts;
 - the scale and massing of the proposed building respects the surrounding built form; and
 - parking areas are adequately screened.

Section 3.14 includes the following general policies to support the revitalization and redevelopment of the Downtown and Drummondville nodes:

- a) facilitate development and improvement so that these nodes become a focus for retail and commercial re-development and residential intensification;

- b) promote development that builds on the unique features and heritage aspects of the nodes; and
- c) consider the provision of additional public facilities and infrastructure to serve as both a catalyst for re-development and to support those living, working and visiting these nodes.

Section 3.14.1 relates to Urban Design and seeks to ensure that new development respects the existing built form, including an evaluation of height, massing and the following criteria:

- a) a built form that provides street frontage buildings with setbacks that are consistent with adjacent properties and parking located behind buildings is encouraged;
- b) the minimum building height shall be two storeys in order to promote an intensification of use and to reflect the built heritage;
- c) all new buildings and developments located within Drummondville: on Main Street and Ferry Street, shall provide active pedestrian-related uses at the street level;
- d) all new buildings and developments shall be designed not to overwhelm:
 - buildings listed on the Municipal Register of Heritage Properties; and
 - open space areas;
- e) all new buildings and developments shall be designed so as not to impede the views and vistas of natural or cultural heritage landscapes;
- f) all new buildings and developments shall be oriented to, and located to frame, the abutting streets and create a continuous street edge;
- g) buildings are not to create significant microclimatic effects on adjacent properties, open spaces or streets;
- h) the height and massing of mid-rise and high rise buildings must be carefully controlled to ensure that they complement the heritage character of these nodes and are sensitive to adjoining properties. In this regard, such buildings are to:
 - be designed to provide a height transition to the street and adjacent developments by incorporating stepbacks above 15 metres;
 - be designed so as to reduce and/or mitigate their mass with increasing height;
 - incorporate a distinctive roof feature as a skyline element; and
 - any vents, mechanical equipment, elevator penthouses and other similar building components located on the roof should be integrated with the architectural treatment of the roof and screened from view;
- i) parking is encouraged to be located on-site within parking structures, which shall be integrated with the principal development and have pedestrian-scale uses along any street frontage. Surface parking shall be located in the rear yard and appropriately buffered from the street; and
- j) shared parking arrangements and reductions to parking requirements may be considered on a site specific basis. Proposals for either may be required to be supported by a Parking Demand Analysis to the satisfaction of the Director of Transportation Services and the Director of Planning, Building and Development.

Section 4 of Part 1 of the Official Plan includes strategic direction for Housing, with the intent of achieving the following goals:

1. Ensure housing is available throughout the City to meet the varying financial needs of existing and future residents.
2. Diversify the City's housing supply to include a wider range of price points; mix of housing types and densities; and a range of options for housing tenure (rental and ownership).
3. Remove barriers to the creation of a range and mix of housing types, including alternative forms of housing throughout the City.
4. Understand the City's housing system moving forward through continuous and ongoing comprehensive data collection, monitoring and reporting.
5. Cultivate and maintain strong relationships with regional and municipal partners, other levels of government, the private sector, and not-for-profit sectors to advance the various actions set out in the City's Housing Strategy.

Section 4.4 specifically relates to Applications for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium and directs that an application demonstrate how the proposal implements the City's Housing Strategy. This housing impact statement shall include the following:

- a) The proposed housing mix by dwelling type and number of bedrooms, as applicable;
- b) How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);
- c) The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;
- d) Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's and the City's definition of affordable to be provided per phase, where applicable; and,
- e) The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.

Section 4 of Part 2 includes the Official Plan policies for the Tourist Commercial designation. Section 4.1.24 directs that a system of built-form regulations in the Tourist Area shall be established, based on the following principles:

- a) The highest buildings shall be constructed in the Central Tourist District in order to create an internationally recognizable skyline for Niagara Falls and to support the extent of municipal infrastructure required to service high density developments;

- b) Building heights will be reduced toward the periphery of the tourist core in order to respect the scale and character of surrounding land uses. Lower profile buildings will be located in Satellite Districts where low-rise/low density residential neighbourhoods predominate;
- c) Residential and institutional uses will be protected from the overshadowing effects of tall buildings;
- d) The regulation of building mass will occur through a system of built form controls and urban design criteria consistent with Section 4.4.2 through 4.4.8 of this Plan;
- e) Council will consider the merits of development applications having regard to the policies of this Plan;
- f) All applications for additional building heights will be treated on a quid pro quo basis wherein the developer agrees to provide public realm improvements; and,
- g) Architectural Peer Review will be required for high-rise buildings over 10 storeys in height.

The following policies are also applicable to the Lundy's Lane Satellite District:

- 4.2.26 The Lundy's Lane District is envisioned over the long term as a primarily tourist commercial corridor existing compatibly with local-serving commercial facilities and residential uses.
- 4.2.27 The portion of Lundy's Lane to the east of Montrose Road is intended to function primarily as a community serving and tourist commercial corridor. Residential intensification within this corridor shall be in accordance with Part 1, Section 3.9.
- 4.2.28 The enhancement of the Lundy's Lane Battlefield site and its retention as a historically important open space together with other related historical uses such as the Lundy's Lane Museum shall be supported.
- 4.2.29 An attractive streetscape for the Lundy's Lane Satellite District shall be sought through the provision of:
 - a) a uniform building setback, closer to the street line with a consistent landscaped setback;
 - b) a consolidation of vehicular access points on site and with neighbouring properties where possible; and,
 - c) front yard surface parking limited to one row, with additional parking provided to the rear of buildings.
- 4.2.30 The Lundy's Lane Satellite District interfaces primarily with residential lands north and south. To lessen potential land use conflicts with the residential lands, commercial development shall be designed in accordance with the following:
 - a) screening and buffering is to be provided adjacent to residential lands through a combination of fencing and landscaping;
 - b) loading areas should be located within interior side yards;
 - c) garbage and recycling materials should be stored within fully enclosed structures;
 - d) access ramps onto intersecting roads should be located as far from the residential interface as possible; and
 - e) any signage should not be illuminated when facing residential lands.

- 4.2.31 The following policies shall apply to development proposals for residential intensification within the intensification corridor:
 - a) Residential uses may be in the form of standalone buildings, located and designed such that they do not interrupt the continuity of the existing tourist commercial development, or as part of multiple use buildings. Within multiple use buildings, commercial uses shall be designed to avoid conflict with residential uses in the building and oriented such that they provide a pedestrian presence along the street.
 - b) Developments shall engage the street through the use of unit frontages, podiums, porte cocheres, landscaping or by locating amenity space within the building close to the street.
 - c) Residential uses may develop to a maximum building height of 6 storeys, with a maximum net density of 100 units per hectare and a minimum net density target of 50 units per hectare.
 - d) Building heights shall respect surrounding building heights site specifically by increasing separation distances from buildings of lower height and from public open spaces.
 - e) Buildings should be sited such that rear yard setbacks are equal to building height and interior side yards are appropriate for the building height proposed in relation to abutting land uses;
 - f) Parking is encouraged to be provided within parking structures that are integrated with the development. Parking structures shall have active pedestrian uses or residential units when abutting street frontages.
 - g) Where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.
 - h) Reductions in the parking standard, and shared parking arrangements within multiple use buildings, may be considered through site specific amendments to the Zoning By-law when accompanied by a parking demand analysis that is satisfactory to the Director of Planning, Building and Development in consultation with Transportation Services.
 - i) Developments should provide pedestrian connections to the surrounding neighbourhood where possible.
 - j) Amenity space is to be provided for residential uses and may take the form of:
 - private on-site green space;
 - balconies and roof-top green space; or
 - public open space, in proximity to the subject development, or cash-in-lieu, pursuant to the provisions of the Planning Act, that will assist in the creation of public open space in the District.

D.2 Land Use Planning Analysis and Opinion

D.2.1 Matters of Provincial Interest

It is my opinion that the development proposal and applications for amendment to the City of Niagara Falls Official Plan and Zoning By-Law have appropriate regard to these matters for the following reasons:

- There are no natural heritage or agricultural features on or adjacent to the Subject Property that will be adversely impacted by the development proposal;
- The potential for adverse impacts to the neighbouring heritage property to the east, including shadow and sunlight impacts, have been mitigated through spatial separation and buffering in conjunction with tapering of the building height and massing towards the rear of the Subject Property;
- The proposal will make more efficient use of existing municipal services, including transit service and infrastructure in immediate proximity to the Subject Property;
- The Subject Property is located in an identified intensification area and the Tourist Commercial District;
- The proposal will increase number and range of dwelling units in the Drummondville node in conjunction with an increase in commercial and employment opportunities; and
- The increase in density will also significantly increase the residential and commercial property tax assessment on the Subject Property to support municipal finances.

D.2.2 Provincial Policy Statement, 2024

It is my opinion that the development proposal for the Subject Property and the requested Official Plan and Zoning By-Law Amendments are consistent with the applicable policies of PPS 2024 on the following basis:

- The proposal will significantly increase the number, mix and range of housing options in conjunction with mixed-use, transit-oriented built form located directly on two existing transit routes;
- The proposed dwelling units will improve the availability of housing to residents in the Built-Up Area and relying on public transit and active modes of transportation;
- The proposal represents residential and commercial intensification of an under-utilized site along Lundy's Lane and in the Drummondville node;
- The proposed mixed-use building incorporates commercial floor area on the ground floor to serve existing and future residents of the community and to facilitate complete communities and transit-oriented development;
- The building is oriented towards Lundy's Lane in order to provide a strong street edge with prominence along this corridor; and
- The proposed building has been designed and oriented to protect the adjacent heritage property and a Heritage Impact Assessment has been completed to identify measures to be implemented to mitigate any potential adverse impacts associated with development of the site.

D.2.3 Region of Niagara Official Plan

It is my opinion that the development proposal and applications for amendment to the City of Niagara Falls Official Plan and Zoning By-Law conform to the Region of Niagara Official Plan on the following basis:

- The proposal will result in new commercial development and residential intensification in the existing Urban Area, specifically the Lundy's Lane Tourist Area and the Drummondville node;
- The proposed increase in density will support transit and active modes of transportation, including more efficient use of existing transit service and infrastructure on Lundy's Lane and Drummond Road;
- The proposal supports these policies by accommodating residential growth and intensification of serviced lands with existing transit service and municipal infrastructure;
- The development proposal will support compact and complete communities by providing a wider range of and greater availability of residential units in the Urban Area that are supported by transit and active modes of transportation;
- The proposed mixed-use building will incorporate jobs and economic activity along with new residential units to revitalize the Tourist Commercial Area and Drummondville node;
- The development proposal will directly support the Region's residential and housing objectives by increasing the number and range of housing options available in an identified growth area with convenient access to transit service and infrastructure supporting active modes of transportation.

D.2.4 City of Niagara Falls Official Plan

While an application has been submitted to amend the Official Plan to permit increases in the maximum permitted height and density, it is my opinion that the proposal conforms to the general purpose and intent of the applicable Official Plan objectives and policies for the following reasons:

- The proposal represents intensification within both the Built Area Boundary and a designated intensification area that will make significantly more efficient use of existing infrastructure and municipal services, including existing transit service;
- The Subject Property provides sufficient land area to accommodate the minimum required setbacks, including increased spatial separation and buffering adjacent to the heritage property to the east;
- The increases height and density are accommodated within a building that incorporates below grade parking and tapering down in height and massing towards the rear of the Subject Property;
- The proposal provides considerable spatial buffers to nearby low density residential uses and the adjacent heritage properties, with commercial/employment uses abutting the Subject Property to the west and south;
- The proposed 10-storey height is considerably lower than the maximum heights permitted in other areas of the Drummondville node and the Central Tourist District, where height of up to 30 storeys is permitted;
- The mixed use building incorporates both an increase of availability and range of dwelling types and an increase commercial and employment opportunities to promote the concepts of complete communities and transit-oriented development;

- The proposal will enhance the quality of built form and residential/employment opportunities immediately adjacent to a heritage property in a manner that mitigates adverse impacts to the key heritage characteristics of the property, including shadow and sunlight impacts;
- The proposed building will animate the street edge and provide more active uses along this important corridor with parking screened from view in a below-grade structure and minimal surface parking along the east side of the building;
- A Heritage Impact Study has been commissioned to demonstrate how the building has been located and designed so as to exist in harmony and not adversely impact the neighbouring heritage property;
- The proposed building includes significant setbacks in height from front to back in conjunction with a 45-degree angular plane at the rear property line;
- Building elements such as vents, mechanical equipment and elevator penthouses have been fully integrated within the building and screened from view in the public realm and neighbouring properties; and
- The proposed building will provide a strong and animated front setback and building façade with landscaping and no surface parking between the building and street.

As it relates to the Housing Strategy and the requirements under Section 4.4 of the Part 1 of the Official Plan, the proposal will implement City's Housing Strategy in the following ways:

- Provision of a mix of dwelling types, including studio, 1-bedroom + den and 2-bedroom + den apartments; of the 144 proposed dwelling units, 70 (49%) will be studio units and 65 (45%) will be 1-bedroom units, which represent the most affordable housing options in the proposal;
- The remaining 9 units will be 2-bedroom + den units in order to offer a wide range of unit types and also support housing for families and larger households;
- The proposal will significantly increase the number and range of dwelling types in the Built-Up Area and in the Drummondville node, including smaller, more affordable units in conjunction with larger, more family-oriented units, while also providing transit-oriented, mixed-use development;
- All of these units will be constructed concurrently and result an immediate significant increase in housing availability, variety and affordability relative to existing conditions.

E. Conclusions and Recommendations

On the basis of the land use planning analysis and opinions provided in this report, it is my opinion that the proposal and required Official Plan and Zoning By-Law Amendments are appropriate and desirable for the Subject Property and:

- Have appropriate regard to the matters of Provincial interest in Section 2 of the Planning Act;
- Are consistent with the Provincial Policy Statement, 2024;

- Conform to the Region of Niagara Official Plan; and
- Will appropriately implement the intent and purpose of the Official Plan as it relates to appropriate and desirable intensification in the Tourist Commercial District and Drummondville node.

Regards,



Michael Barton, MCIP, RPP